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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-00521 DAE
)	
Plaintiff,)	ORDER FINDING THE DEFENDANT
)	COMPETENT TO STAND TRIAL;
vs.)	CERTIFICATE OF SERVICE
)	
DEBBIE LOUISE YXCOT,)	
)	
Defendant.)	
_____)	

ORDER FINDING THE DEFENDANT COMPETENT TO STAND TRIAL

On September 2, 2005, this Court ordered a third mental competency evaluation for the defendant. It also committed her to a Federal Medical Center for the evaluation. Familiarity with that Order is presumed for purposes of this Order.

By letter dated December 16, 2005, the Federal Medical Center informed the Court that after evaluating the defendant, "[i]n the opinion of our clinical staff, Ms. Yxcot has now recovered from symptoms of a mental defect to the extent she is able to understand the nature and consequences of the proceedings against her and to assist properly in her defense." Enclosed

with the letter was a psychological report that reflected that opinion. Also enclosed was a Certificate of Recovery.

The Court then scheduled a status conference that was postponed a number of times while the government arranged for Ms. Yxcot to be transported back to Hawaii. The status conference was finally held on February 9, 2006. Assistant U.S. Attorney Marshall Silverberg represented the government while William Domingo, Esq., represented the defendant. This Order memorializes the oral findings made by the Court at the status conference.

Based upon the report from the Federal Medical Center at Carswell, and based upon the fact that no contrary evidence has been presented at this time, the Court hereby finds, by a preponderance of evidence and pursuant to 18 U.S.C. § 4241, that the defendant has recovered to such an extent that she is able to understand the nature and consequences of the proceedings against her and to assist properly in her defense. In other words, the Court finds that the defendant is competent to stand trial. A new trial is being set via another Court Order.

SO ORDERED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: February 27, 2006

United States v. Debbie Louise Yxcot, Cr. No. 02-00521 DAE
"Order Finding Defendant Competent To Stand Trial"